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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,848

03/15/2006

Jens-Peter Schlomka

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

KIKNADZE, IRAKLI

ART UNIT

PAPER NUMBER

2882

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/518,848

Applicant(s)

SCHLOMKA ET AL.

Examiner

Irakli Kiknadze

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 4-9 are objected to because of the following informalities:

In claims 4, 5, 6, 8 and 9, on lines 5, 4, 6, 4 and 3 respectively, the recitation "the object (13) to be examined" should read --the examination zone-- to avoid the antecedence problems.

Claims 7 and 9 are objected by virtue of their dependence.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 5 and 9, lines 3, 4 and 4, respectively, the phrase "can be" is indefinite in that it is unclear as to whether or not the limitations following phrase are or are not required by the claims.

Claims 2-4 and 6-8 are objected by virtue of their dependence.

Claim Rejections - 35 USC § 102

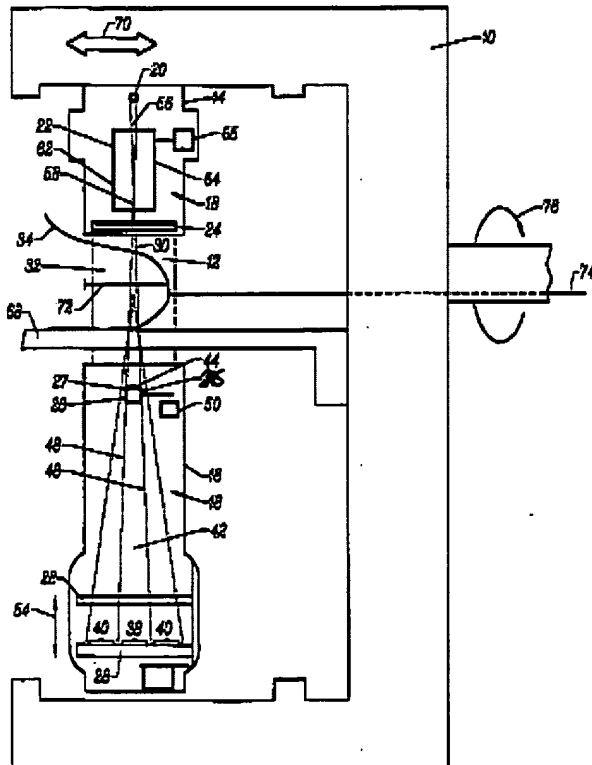
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Komardin (WO 98/49939).

With respect to claim 1, Komardin teaches (see Fig.1) apparatus comprising:



a radiation source (20) (page 12, line 9), a

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detector arrangement (28) (page 12, line 12) and a device (14 and 18) (page 12, line 10) with which radiation (42) (page 12, line 25) having traversed an examination zone (32) (page 12, line 16) stopped at least to such an extent that its intensity which is incident on the detector arrangement (28) does not significantly exceed the intensity of radiation scattered in the examination zone (32) and incident on the detector arrangement (28) (see page 11, lines 8-13; page 12, lines 5-12; page 13, lines 9-15).

With respect to claim 2, Komardin teaches that the radiation source (20) is arranged to form an essentially fan-shaped radiation beam (30) (see Figs. 1 and 3) and the detector arrangement (28) comprises a plurality of detector elements (180) which are arranged in rows and columns in conformity with the length and the width, respectively, of the cross-section of the radiation beam in the detector plane (see Fig. 12; page 24, lines 13-17).

With respect to claim 3, Komardin teaches that the detector arrangement (28) comprises a plurality of detector elements (180) that are arranged in a row (see Fig. 12; page 24, lines 13-17).

With respect to claim 4, Komardin teaches (Fig. 1) that the device (14) includes a first collimator (22) (page 12, lines 9, 20 and 21) which is arranged on the radiation source (20), the radiation source (20) or the first collimator (22) being arranged so as to be offset relative to one another in a direction perpendicular to a propagation direction of the radiation beam (30) in such a manner that the radiation having traversed the examination zone at least is not incident to a significant extent on the detector arrangement (28) (see page 11, lines 8-13; page 12, lines 5-12; page 13, lines 9-15).

With respect to claim 5, Komardin teaches a first drive unit (65) (page 16, line 5) for displacing the first collimator (22) relative in such a manner that scattered radiation emanating from the examination (32) at different angles is detected (Fig.1; page 15, line 20 – page 16, line 5).

With respect to claim 6, Komardin teaches a second collimator (26) that is arranged between the examination zone (32) and the detector arrangement (28) and includes a region (27) whereby the radiation having traversed the object (32) to be examined is stopped at least partly (page 13, lines 1-15).

With respect to claim 7, Komardin teaches that the region is provided with an opening where through a part of the radiation incident on the region reaches the detector arrangement (28) (see Fig. 2; page 17, line 23 – page 18, line 1).

With respect to claim 8, Komardin teaches that the device is positioned so as to be shifted in a direction perpendicular to a propagation direction of the radiation beam (30) in such a manner that the radiation (42) having traversed the examination zone is directed at least substantially so as to bypass the detector arrangement (28) (see Fig. 2; page 17, line 23 – page 18, line 1).

Allowable Subject Matter

6. Claim 9 would be allowable if rewritten to overcome the objection and rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. With respect to claim 9, prior art fails to teach or make obvious an apparatus comprising a second drive unit for displacing a detector arrangement in such a manner to detect the scattered radiation emanating from the examination zone at different angles as claimed include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lazarev et al. (US Patent 6,483,891 B1) and Scheid et al. (US Patent 5,164,976) teach the x-ray apparatus for scatter analysis.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ik/March 26, 2007

A handwritten signature in black ink, reading "Irakli Kiknadze". The signature is fluid and cursive, with the first name "Irakli" and last name "Kiknadze" clearly distinguishable.

Irakli Kiknadze
Patent Examiner